

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RAFIC SAADEH,

Plaintiff,

-v-

MICHAEL KAGAN, et al.,

Defendants.

20 Civ. 1945 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On May 23, 2020, following plaintiff's filing of a motion for a default judgment, Dkt. 19, the Court issued an Order to Show Cause calling for defendants to oppose that motion no later than June 26, 2020. Dkt. 23. Today, the Court received the attached email and attachments from defendant Michael Kagan ("Kagan"), proceeding *pro se* and as the representative of defendant The Estate of Irving Kagan. The Court construes this letter as opposing plaintiff's motion for default judgment and requesting an extension to respond to the Complaint. The Court finds that Kagan has supplied good cause not to enter a default judgment.

The Court accordingly denies plaintiff's motion for default judgment. The Court, by separate order, will refer this case to the Hon. Sarah Netburn, United States Magistrate Judge, for general pretrial management. The Court leaves unresolved Kagan's request for an extension to respond to the Complaint, to be addressed by Judge Netburn.

The Clerk of Court is respectfully directed to terminate the motion pending at docket 19. Copies emailed to Kagan by Chambers.

SO ORDERED.

A handwritten signature in blue ink that reads "Paul A. Engelmayer". The signature is written in a cursive, flowing style.

---

PAUL A. ENGELMAYER  
United States District Judge

Dated: June 4, 2020  
New York, New York

**Fwd: Extension Request (see attached)**

avidd3 . &lt;avidd3@gmail.com&gt;

Thu 6/4/2020 10:22 AM

**To:** Engelmayer NYSD Chambers <EngelmayerNYSDChambers@nysd.uscourts.gov>**Cc:** Temporary Pro Se Filing NYSD <temporary\_pro\_se\_filing@nysd.uscourts.gov> 3 attachments (672 KB)

Extension Request 1 20 CV-01945 PAE.docx; Renewed Extension Request 1 20 CV-01945 PAE.docx; Motion To Show Cause Default Judgement.jpg;

ATTENTION: PAUL A. ENGELMAYER, District Judge

REGARDING:

Case Number: 1:20-CV-01945 (PAE)

RAFIC SAADEH.

PLAINTIFF

-against-

MICHAEL KAGAN and THE ESTATE Of IRVING KAGAN (by Its Administrator Michael Kagan)  
DEFENDANTS

Dear Judge Engelmayer:

About nine days ago I applied for an extension to respond to the lawsuit. I have attached both the email and letter of that request.

I have had no response to that request. In addition, on Tuesday, June 2, 2020, I found the attached Order To Show Cause in my mailbox.

With respect, I renew my request for an extension until August 3, 2020 to properly review these papers and produce a respectful and appropriate response (on behalf of both my father's estate (as administrator) and myself) to the lawsuit in general and now this Order To Show Cause.

Thank you for considering my request.

Respectfully,

Michael Kagan

----- Forwarded message -----

From: **avidd3** . <[avidd3@gmail.com](mailto:avidd3@gmail.com)>

Date: Tue, May 26, 2020 at 1:00 PM

Subject: Extension Request (see attached)

To: <[Temporary\\_Pro\\_Se\\_Filing@nysd.uscourts.gov](mailto:Temporary_Pro_Se_Filing@nysd.uscourts.gov)>

ATTENTION: RUBY J. KRAJICK, Clerk of Court

REGARDING:

Case Number: 1:20-CV-01945 (PAE)

RAFIC SAADEH.  
PLAINTIFF

-against-

MICHAEL KAGAN and THE ESTATE Of IRVING KAGAN (by Its Administrator Michael Kagan)  
DEFENDANTS

Dear Clerk Krajick:

I am in receipt today of a Notice of Motion For Default Judgement.

I am representing myself in this matter and this is the first time I am reading these papers. I respectfully ask for an extension until August 3, 2020 to prepare and present my response.

Thank you for considering my request.

Respectfully,

Michael Kagan

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RAFIC SAADEH,

Plaintiff,

-v-

MICHAEL KAGAN, and THE ESTATE OF IRVING  
KAGAN, *by Its Administrator Michael Kagan,*

Defendants.

20 Civ. 1945 (PAE)

ORDER TO  
SHOW CAUSE

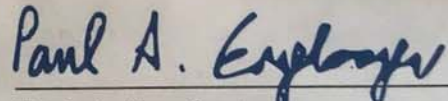
PAUL A. ENGELMAYER, District Judge:

On May 18, 2020, plaintiff filed a motion for default judgment against all defendants in this matter. Dkt. 19. Plaintiff's papers in support of his motion are in good order. In light of the current public health situation, the Court will resolve the default judgment motion on the papers.

If either defendant wishes to oppose the motion, they must submit, via email, an opposition explaining why a default judgment is not warranted by **June 24, 2020 at 5 p.m.** to [EngelmayerNYSDChambers@nysd.uscourts.gov](mailto:EngelmayerNYSDChambers@nysd.uscourts.gov).

Plaintiff is to serve this order on all defendants forthwith and file proof of this service no later than June 3, 2020.

SO ORDERED.



Paul A. Engelmayer  
United States District Judge

Dated: May 27, 2020  
New York, New York

Michael Kagan  
200 West 60<sup>th</sup> Street  
New York, NY 10023  
avidd3@gmail.com  
917.837.0402

June 4, 2020

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ATTENTION: PAUL A. ENGELMAYER, District Judge

REGARDING:

Case Number: 1:20-CV-01945 (PAE)

RAFIC SAADEH.  
PLAINTIFF

-against-

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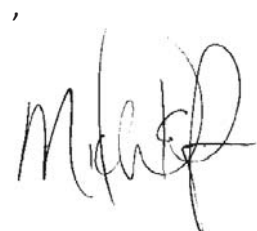
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Thank you for considering my request.

Respectfully,

,



Michael Kagan  
200 West 60<sup>th</sup> Street  
New York, NY 10023  
avidd3@gmail.com  
917.837.0402

May 26, 2020

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ATTENTION: RUBY J. KRAJICK, Clerk of Court

REGARDING:

Case Number: 1:20-CV-01945 (PAE)

RAFIC SAADEH.  
PLAINTIFF

-against-

MICHAEL KAGAN and THE ESTATE Of IRVING KAGAN (by Its Administrator Michael Kagan)  
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